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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,973	02/02/2004	John Wootton	2/1219US	8988
22822	7590	03/13/2006	EXAMINER	
LEWIS, RICE & FINGERSH, LC ATTN: BOX IP DEPT. 500 NORTH BROADWAY SUITE 2000 ST LOUIS, MO 63102			PHAM, MINH CHAU THI	
			ART UNIT	PAPER NUMBER
			1724	
DATE MAILED: 03/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No. 10/769,973	Applicant(s) WOOTTON ET AL.	
	Examiner Minh-Chau T. Pham	Art Unit 1724	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Minh-Chau T. Pham. (3) _____
 (2) Mr. Kurt Daman. (4) _____

Date of Interview: 07 March 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
 If Yes, brief description: _____

Claim(s) discussed: 19.

Identification of prior art discussed: None.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant requests the status of claim 19 which is not discussed in the previous Office Action mailed on March 2, 2006. A new Office Action is hereby issued to correct the typo and to include claim 19.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4 and 7-13 and 15-20 are again rejected under 35 U.S.C. 102(b) as being anticipated by either Wachter (3,775,949) or Grandjean et al (5,900,043).

Wachter teaches a filtration unit which supplies a room with air purified from poisonous substances (see Abstract) comprising a first air flow path (16) wherein air passes through the filtration unit without passing through a filter, a second air flow path (8) wherein air passes through the filtration unit through a filter (5), and a controller allowing the filtration unit to switch from passing air through the first air flow path to the second air flow path and vice versa without the filter being removed from the filtration unit (see col. 1, lines 52-59). Grandjean et al teach a filtration unit comprising a first air flow path (see air arrow flowing through pipe 22) wherein air passes through the filtration unit without passing through a filter, a second air flow path (see air arrow flowing through pipes 4 & 5) wherein air passes through the filtration unit through a filter (3), and a controller allowing the filtration unit to switch from passing air through the first air flow path to the second air flow path and vice versa without the filter being removed from the filtration unit (see col. 3, line 62 through col. 4, line 2, col. 4, lines 27-29).

Claim 8 calls for the second air flow path and the third air flow path being symmetrical. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the second and third air flow paths being

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symmetrical since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

The phrase "a nuclear, biological, and chemical (NBC) filtration unit for use with a portable environmental control unit (ECU)" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. Kropa v. Robie, 88 USPQ 478 (CCPA 1951). In addition, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ 2d 1647 (1987).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5 and 6 are again rejected under 35 U.S.C. 103(a) as being unpatentable over either Wachter (3,775,949) or Grandjean et al (5,900,043), in view of either Rick et al (5,925,172).

Claims 5 and 6 call for the command of the controller being sent via wireless technology. Rick et al disclose a control system can be a wireless device (col. 6, lines 36-38). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a control system being wireless as taught by

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either Rick et al in the apparatus of either Wachter or Grandjean et al since the wireless device would be a convenience to the user to operate the system without lots of wiring attached.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Wachter (3,775,949) or Grandjean et al (5,900,043), in view of the German Patent (DE 2312303 A).

Claim 14 calls the filter to be a carbon bed filter. The German reference discloses the filter can be a carbon filter bed (see Derwent abstract). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a carbon bed filter in the apparatus of either Wachter or Grandjean et al since it is well known in the art that the carbon bed filter is an effective adsorbing medium for any gaseous radioactive materials.

Response to Amendment

Applicant's arguments filed on January 4, 2006 have been fully considered but they are not persuasive.

Applicant argues that none of the cited prior arts discloses a filtration unit with two separate flow paths one is filtered and one is unfiltered to an ECU and a filter being a NBC filter. The Examiner respectfully disagrees. As argued before, the phrase "a nuclear, biological, and chemical (NBC) filtration unit for use with a portable environmental control unit (ECU)" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained

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description of the structure not depending for completeness upon the introductory clause. Kropa v. Robie, 88 USPQ 478 (CCPA 1951). In addition, it has been held that a recitation such as "NBC" filter with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ 2d 1647 (1987).

The Examiner respectfully points out that both references Wachter and Grandjean et al clearly teach: Wachter teaches a filtration unit which supplies a room with air purified from poisonous substances (see Abstract) comprising a first air flow path (16) wherein air passes through the filtration unit without passing through a filter, a second air flow path (8) wherein air passes through the filtration unit through a filter (5), and a controller allowing the filtration unit to switch from passing air through the first air flow path to the second air flow path and vice versa without the filter being removed from the filtration unit (see col. 1, lines 52-59). Grandjean et al teach a filtration unit comprising a first air flow path (see air arrow flowing through pipe 22) wherein air passes through the filtration unit without passing through a filter, a second air flow path (see air arrow flowing through pipes 4 & 5) wherein air passes through the filtration unit through a filter (3), and a controller allowing the filtration unit to switch from passing air through the first air flow path to the second air flow path and vice versa without the filter being removed from the filtration unit (see col. 3, line 62 through col. 4, line 2, col. 4, lines 27-29), as read on the broad language of the claims.

Regarding to the argument of a location of the blower, both the Wachter and Grandjean et al references inherently teach the blower or fan means for blowing the air because without a blower means, how can the air flow through the system?

Regarding to the argument of a NBC filter being a carbon bed filter, the Examiner newly introduces the German Derwent as the secondary reference in combination with Wachter or Grandjean et al under the 103 rejection to show the filter can be a carbon filter bed (see Derwent abstract). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a carbon bed filter in the apparatus of either Wachter or Grandjean et al since it is well known in the art that the carbon bed filter is an effective adsorbing medium for any gaseous radioactive materials.

Applicant's arguments with respect to claims 1-20 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
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March 7, 2006